

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

MARVIN BAILEY,

Movant

v.

CIVIL ACTION NO. 2:07-0321
(Criminal No. 2:96-00191-03)

UNITED STATES OF AMERICA,

Respondent

MEMORANDUM OPINION AND ORDER

The court having received the proposed findings and recommendation of the United States Magistrate Judge filed on August 12, 2008, pursuant to the provisions of 28 U.S.C. § 636(b) (1) (B); and having reviewed the record in this proceeding; and there being non-meritorious objections filed by the movant to the proposed findings and recommendation that recommends dismissal of movant's section 2255 motion as an unauthorized successive petition, which movant fails to address¹; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the proposed findings and recommendation

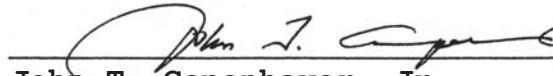
¹Movant previously sought an extension of time within which to file his objections. The court ORDERS that the request be, and it hereby is, granted to September 16, 2008, the date of the filing of the objections. The objections are deemed timely.

of the magistrate judge be, and they hereby are, adopted by the court.

It is, accordingly, ORDERED that the movant's section 2255 motion, as construed, be, and it hereby is, denied. It is further ORDERED that this action be, and it hereby is, dismissed.

The Clerk is directed to forward copies of this written opinion and order to the movant, all counsel of record, and the magistrate judge.

DATED: September 19, 2008


John T. Copenhaver, Jr.
United States District Judge